

117.035 County board of elections -- Membership -- Appointed members -- Meetings -- Staff in counties containing city of first or second class.

- (1) There shall be a county board of elections, which shall, at the direction and under the supervision of the State Board of Elections, administer the election laws and the registration and purgation of voters within the county.
- (2)
 - (a) The board shall consist of the county clerk, the sheriff, and two (2) members appointed by the State Board of Elections not later than July 1 following the election of persons to statewide office, for a term of four (4) years and until their successors are appointed. The first board shall be appointed within one (1) month following December 1, 1972, and serve until successors are appointed in April, 1976.
 - (b) The sheriff shall not serve on the board during any year in which he is a candidate, but shall recommend to the board a temporary replacement to serve in his place, subject to approval by the board.
 - (c) The county clerk may, at his option, continue to serve on the board during a year in which he is a candidate. If the clerk elects not to serve, he shall recommend a temporary replacement to serve in his place, subject to approval by the board.
 - (d) If the board rejects a replacement recommended by the sheriff or the county clerk under paragraph (b) or (c) of this subsection, a new name shall be recommended until a temporary appointment is approved by the board.
 - (e) Notwithstanding the provisions of KRS 61.080, service on the board of elections shall be compatible with the holding of any other county or city office. The members shall be at least twenty-one (21) years of age, qualified voters in the county from which they are appointed, and shall not have been convicted of any election law offense. One (1) member shall be appointed from a list of five (5) names submitted by the county executive committee of each of the two (2) political parties that polled the largest number of votes in the state at the last preceding election for presidential electors. If there are two (2) or more contending executive committees of the same party in any county, the one recognized by the written certificate of the chairman of the state central committee of the party shall be the one authorized to submit the lists. Appointees may be removed by the State Board of Elections for cause. A member appointed by the State Board of Elections may be removed upon a request approved by a two-thirds (2/3) vote of the county executive committee that submitted the member's name. If an appointee is temporarily unable to act, a temporary appointee shall be named by the State Board of Elections. A temporary appointee shall serve until the original appointee notifies the State Board of Elections that he is able to resume his term. A member appointed by the State Board of Elections shall not serve on the board if he or she is a candidate for public office, and the member shall resign upon filing papers to become a candidate for public office or shall be removed from office by the State Board of Elections. A member who resigns or is removed because of his or her candidacy shall not resume his or her term following the completion of

the candidacy. Vacancies and temporary vacancies shall be filled in the same manner as provided for original appointments, and the person appointed to fill the vacancy or temporary vacancy shall be of the same political party as his predecessor.

- (f) Compensation and payment of actual expenses of members shall be set by the fiscal court either as an amount payable on an annual basis, or as an amount payable on a per diem basis of not less than fifteen dollars (\$15) nor more than one hundred dollars (\$100) for each day the board meets.
- (3) A majority of the board shall constitute a quorum. The county clerk shall serve as chairman of the meetings and may vote. In case of a tie, the chairman may cast an additional vote. Records shall be kept of all proceedings, and the records shall be public and kept at the office of the county clerk.
- (4) The board shall meet at least once a month and may meet more frequently if necessary. The board shall stay in session on election days to correct clerical errors and rule on questions regarding voter registration and may make to the election officers such certifications as may be necessary. On election days, appeals may be made to a Circuit Judge, but a ruling of the board shall be reversed only upon a finding that it was arbitrary and capricious.
- (5) In counties containing cities of the first and second class, the board may employ, on a bipartisan basis, a staff sufficient to carry out the duties assigned to the board.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 71, sec. 2, effective June 20, 2005. -- Amended 1996 Ky. Acts ch. 195, sec. 4, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 256, sec. 1, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 48, sec. 14, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 341, sec. 25, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 394, sec. 6, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 318, sec. 1, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 129, effective January 2, 1978. -- Created 1974 Ky. Acts ch. 130, sec. 20, effective June 21, 1974.